

REMARKS**I. General**

Claims 1-30 and 32-43 are pending in the present application. Applicant notes with appreciation that claims 14-35 stand allowed. Applicant further notes with appreciation that claims 2-5 and 7-13 are indicated by the Examiner as containing allowable subject matter and would stand allowed if rewritten in independent form. Claims 1 and 6 stand rejected under 35 U.S.C. § 102.

Although claim 31 stands objected to in the Office Action mailed November 30, 2004 as being a substantial duplicate of claim 35, Applicant canceled claim 31 by the Preliminary Amendment dated November 14, 2001. Moreover, new claims 36-43, introduced in the foregoing Preliminary Amendment, have not been addressed in the Office Action.

Accordingly, it appears to Applicant that the Examiner has not considered the amendments submitted in the Preliminary Amendment dated November 14, 2001. Because the amendments therein corrected various informalities and submitted new claims which depend from claims already indicated as allowable by the Examiner, Applicant believes that the Examiner's consideration of the foregoing Preliminary Amendment will not alter the status of the claims considered, except to cause the withdrawal of the objection to canceled claim 31. However, Applicant requests that the Examiner also consider the amendments made in the Preliminary Amendment when considering the amendments made herein.

Applicant has canceled claim 1 and amended claims 2, 6, 7, and 35 in the present amendment. Accordingly, claims 2-43 will remain pending after entry of the present Amendment.

Claim 35 has been amended to correct an informality discovered during the preparation of the present Amendment. Specifically, the preamble of claim 35 has been amended to delete "system" and insert therefor "method" as is consistent with the preceding portion of the preamble language. The scope of the claim remains unchanged and no new matter has been added by the amendment.

II. The Double Patenting Objection

Claim 31 stands objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 35. However, claim 31 was canceled by the Preliminary Amendment dated November 14, 2001. Accordingly, the double patenting objection of record should be withdrawn.

III. The 35 U.S.C. § 102 Rejections

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Siu*, United States patent number 6,246,687 (hereinafter *Siu*). However, to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that *Siu* does not meet the limitations of the claims as required for a proper rejection under 35 U.S.C. § 102.

However, although not conceding to the rejections of record, Applicant has amended claims 2 and 7 in an effort to expedite issuance of the present claims. Applicant does not intend to surrender any subject matter to the public by the amendments herein and expressly reserves the right to submit claims corresponding to those canceled, or which include subject matter corresponding to that canceled, in a subsequently filed application.

Applicant has amended claim 2 to recite the limitations of base claim 1 from which it depended. Accordingly, claim 1 has been canceled. Correspondingly, claim 6 has been amended to depend from claim 2 rather than canceled claim 1. Claim 2, as amended, sets forth originally submitted claim 2 in independent form. The scope of originally submitted claim 2 remains unchanged by the present amendment.

Applicant has amended claim 7 to recite the limitations of base claim 1 and intervening claim 6 from which it depended. Claim 7, as amended, sets forth originally submitted claim 7 in independent form. The scope of originally submitted claim 7 remains unchanged by the present amendment.

The Office Action indicated that claims 2 and 7 would be allowed if rewritten in independent form. Accordingly, claims 2 and 7, as amended, are asserted to be in condition for immediate allowance. Moreover, as claims 3-6 and 8-13 depend directly or indirectly from a respective one of claims 2 and 7, these dependent claims are also asserted to be in condition for immediate allowance.

IV. Summary

In view of the above, Applicant believes each of the claims of the pending application is in condition for allowance. Applicant, therefore, respectfully requests that the Examiner pass the case to issue.

Applicants believes no fee is due with this response. However, if an additional fee is due, please charge Deposit Account No. 06-2380, under Order No.

58895/P001CP1/10101651 from which the undersigned is authorized to draw.

Dated: December 22, 2004

Respectfully submitted,

By R. Ross Viguet
R. Ross Viguet
Registration No.: 42,203
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8000
(214) 855-8200 (Fax)
Attorney for Applicant